IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 17792 of 2004

Between:

Syed Khasim, S/o. Buden,
R/o. Dwarakapuri Colony, Road No.1, Sathupalli Village and mandal,
Khammam district.

..... PETITIONER

AND

1 The Commissioner of Land Revenue, Hyderabad.
2 The Joint Collector, Khammam, Khammam District.
3 the Mandal Revenue Officer, Sathupally, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more one in the nature of Writ of Mandamus, declare the inaction of the respondent No.1 for without numbering the appeal petition and Misc, petition filed by the petitioner and without passing any interim orders in the Miscellaneous petition as illegal and arbitrary.

Counsel for the Petitioner:MR.KILARUKHADER BABA

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The 2nd respondent-Joint Collector passed the impugned order, dated 24-07-2004, stating that the assignment of the land in favour of the petitioner's father was found to be irregular and the same was set aside in exercise of the powers under Section 166-B of the A.P.
(Telangana Area) Land Revenue Act, 1317 F. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent-Commissioner of Land Revenue, Hyderabad, on 08-09-2004, along with an application to stay the operation of the impugned order passed by the 2nd respondent, pending disposal of the appeal. Since the appellate authority has not passed any orders in the stay application, the petitioner filed the present writ petition.

It is well settled that when a statutory appeal is preferred before the appellate authority, it is obligatory on the part of the appellate authority to entertain the same and pass appropriate orders in the stay application. But, having received the appeal and not passing interim orders, will render the appeal itself infructuous.

In the above circumstances, the writ petition is disposed of, directing the 1st respondent-Commissioner of Land Revenue, to dispose of the stay application filed by the petitioner herein, expeditiously, in accordance with law. Till then, the impugned order passed by the 2nd respondent, dated 24-7-2004, is stayed. No order as to costs.

(A.GOPAL REDDY,J)

Dated:04-10-2004

Note:Furnish C.C. by tomorrow.

(B/o) GJ

To

1 The Commissioner of Land Revenue, Hyderabad.
2 The Joint Collector, Khammam, Khammam District.
3 The Mandal Revenue Officer, Sathupally, Khammam District.

4 Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad.(OUT)

5 Two C.D. copies.